

Appl. No. 09/665,200  
Amdt. Dated March 22, 2005  
Reply to Office action of December 28, 2004  
Attorney Docket No. P13183-US2  
EUS/J/P/05-1083

### **REMARKS/ARGUMENTS**

#### **1.) Shortened Statutory Period for Reply**

The Office Action (OA) was mailed on December 28, 2004, and the Office Action Summary states that the period for reply was set to expire one (1) month from the mailing date. Because the OA raised new grounds of rejection, the period for reply should have been set to expire three (3) months from the mailing date.

On January 5, 2005, the undersigned called the Examiner to determine whether the specified one month period for reply was in error. The Examiner later left a voice message for the undersigned indicating that, after consultation with his SPE, the shortened statutory period should have been specified as three months. The Applicants thank the Examiner for the prompt correction of the error.

#### **2.) Allowable Subject Matter**

The Examiner objected to Claims 6-8 and 14-16 as being dependent upon rejected base claims, but indicated such claims would be allowable if rewritten in independent form, including the limitations of their respective base claims and any intervening claims. The Applicants thank the Examiner for the indication of allowable subject matter. The Applicants, however, believe the base claims to be patentable over the references of record and, therefore, decline to so amend any of claims 6-8 and 14-16.

#### **3.) Claim Rejections – 35 U.S.C. §102(e)**

The Examiner rejected claims 1, 4, 9 and 12 as being anticipated by Yellin (US 6,034,986). The Applicants traverse the rejections.

Claim 1 recites:

1. A method of reducing signal processing delay time in a CDMA cellular communications system, the method comprising:  
processing a data frame according to a first process;  
simultaneously processing said data frame according to a second process, wherein said second process uses an interference cancellation algorithm; and

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combining selected segments of said data frame processed according to said first process with selected segments of said data frame simultaneously processed according to said second process.  
(emphasis added)

Applicants' invention is characterized by the processing of a data frame according to first and second processes in parallel; the second process uses an interference cancellation algorithm. Subsequently, selected segments of the data frame processed according to the first process are combined with selected segments of the data frame simultaneously processed according to the second process. As noted in Applicants' disclosure, the invention relies on data from the first process to supplement data from the interference cancellation process in order to minimize the delays generally incurred by such an interference cancellation process. That aspect of the functionality recited in claim 1 is not taught by Yellin.

With respect to the last element of claim 1, the Examiner asserts that Yellin discloses a "subtractor 22 (combining/selector) (column 8, lines 49-52)." (OA; page 2). As noted at page 8, lines 49-52, however, "[s]ubtractor 22 removes the multiple interference effect outputs of processors 20 from the data signal  $x(n)$  in order to produce the corrected signal  $x'(n)$  which optional decoder 18 then decodes." Those skilled in the art will readily recognize that subtractor 22 is used to remove the interference signals output from the interference processors from the data signal  $x(n)$  in order to produce the corrected signal  $x'(n)$ . In contrast, Applicants' invention combines selected segments of a data frame processed according to a first process with selected segments of the data frame simultaneously processed according to a second process. Such combination of selected segments is illustrated in Applicants' Figures 4 and 6. From the description of those figures, those skilled in the art will readily appreciate the difference between combining selected segments and subtracting an interference signal from a data signal  $x(n)$  in order to produce a corrected signal  $x'(n)$ . Such a difference renders Yellin insufficient to anticipate claim 1.

Whereas claim 9 recites limitations analogous to those of claim 1, that claim is also patentable over Yellin. Furthermore, whereas claims 4 and 12 are dependent upon

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claims 1 and 9, respectively, and include the limitations thereof, those claims are also patentable over Yellin.

**4.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner also rejected claims 2, 3, 10 and 11 as being unpatentable over Yellin in view of admitted prior art. The Applicants traverse the rejection.

The Examiner has looked at the individual limitations of claims 2, 3, 10 and 11 and concluded that the presence of each of those limitations, in isolation, in the prior art renders such claims unpatentable. Such picking and choosing from the prior art is improper. Various bits of data or teachings of the prior art are not properly combined unless there is something in the prior art itself that suggests that those teachings could or should be combined. Both the suggestion for combining teachings to make the invention and its reasonable likelihood of success "must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

In any event, however, claims 2-3 and 10-11 are dependent from claims 1 and 9, respectively, and include the limitations thereof. Thus, whereas claims 1 and 9 have been shown *supra* to be patentable over Yellin, claims 2-3 and 10-11 are also patentable over Yellin in view of any admitted prior art.

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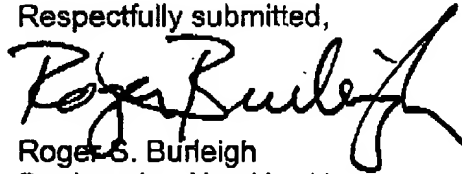
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### CONCLUSION

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-4, 6-12 and 14-16.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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